

REMARKS

This is in response to the Office Action mailed July 28, 2004.

In that Office Action, claims 1-15 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,913,436 to Breuer.

Claims 1-13 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,402,901 to Carvalheiro. Claims 14-21 were rejected under 35 USC §103(a) as being unpatentable over Carvalheiro, and claims 16-21 were rejected under 35 USC §103 as being unpatentable over Breuer.

Finally, claims 5 and 6 were objected to for certain informalities, while claim 8 was rejected under 35 USC §112, second paragraph, for lacking an antecedent basis for the term "said downwardly...surfaces."

By this Amendment, claim 1 has been amended to recite that the downwardly depending skirt terminates in a continuous terminal end. Applicants note that in both Breuer and Carvalheiro, the terminal end of the skirt is interrupted by a plurality of notches for receiving projections or so-called "teeth" located on the lower band. The notches are adapted to receive the projections or the teeth of the lower band.

In contrast, in the closure of claim 1, as amended, the terminal end of the skirt is continuous and uninterrupted by any such notches. During application of the closure onto the

container, contact between the tapered top surface 34 and the continuous terminal end 22 of the skirt is increased. This results in a reduced potential for early bridge breakage, as described on page 11, paragraph [00032], of the specification. Because neither Carvalheiro nor Breuer disclose such a continuous and uninterrupted terminal end, claim 1, as amended, is not anticipated and would not have been obvious in view of the cited references.

Applicants have also amended claims 5 and 6 to correct the informalities noted by the Examiner. Claim 8 has also been amended, which renders moot the Examiner's rejections under USC §112.

Applicants respectfully submit that the claims are now in condition for allowance. Reconsideration and allowance of such claims are respectfully requested.

Respectfully submitted,



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